

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

<p>In re:</p> <p>SRC Holding Corporation, f/k/a Miller &amp; Schroeder, Inc., and its subsidiaries,</p> <p style="text-align:right">Debtors.</p>	<p style="text-align:center">Chapter 7 Case BKY Case Nos. 02-40284 to 02-40286 Jointly Administered</p>
<p>McIntosh County Bank, First State Bank Of Bigfork, Security First Bank Of North Dakota, Campbell County Bank, Inc., Security State Bank, Choice Financial Group, United Community Bank Of North Dakota, Community National Bank, Lake Country State Bank, Bank of Luxemburg, People State Bank Of Madison Lake, New Auburn Investment, Inc., Oregon Community Bank &amp; Trust, State Bank Of Park Rapids, Farmers State Bank, Citizens State Bank Of Roseau, First Independent Bank, First National Bank Of The North, Security State Bank Of Sebeka, Northstate, LLC, First American Bank &amp; Trust, First Federal Savings Bank Of The Midwest, North Country Bank &amp; Trust, Dacotah Bank – Valley City, First National Bank &amp; Trust Co. Of Williston, Ultima Bank Minnesota, Security Bank Usa, The Ramsey National Bank And Trust Co. Of Devils Lake, Mcville State Bank, Page State Bank, First National Bank Of The North, Brian F. Leonard, Trustee, and Marshall Investments Corporation, a Delaware Corporation,</p> <p style="text-align:right">Plaintiffs,</p> <p>v.</p> <p>Dorsey &amp; Whitney LLP, a Minnesota Limited Liability Partnership,</p> <p style="text-align:right">Defendant.</p>	<p style="text-align:center">ADV Case No. 03-4291</p> <p style="text-align:center"><b>ORDER AMENDING DEADLINES SET FORTH IN SCHEDULING ORDER</b></p>

## **ORDER**

Based upon the foregoing Stipulation and Motion, and upon all files, records, and proceedings herein,

**IT IS HEREBY ORDERED** that the Scheduling Order and Order for Trial is hereby amended as follows:

1. The parties shall complete an initial phase of discovery, specifically limited to the "Dorsey Defenses" no later than April 30, 2004. Any depositions taken by the parties during this initial phase of discovery shall be limited to the "Dorsey Defenses."
2. The parties may file summary judgment motions relating to the issues raised in the initial discovery phase on or before May 28, 2004.
3. Discovery pertaining to claims that survive summary judgment shall be completed no later than one hundred twenty (120) days after the Court's summary judgment Order. In the event no summary judgment motions are filed after the initial phase of discovery, all remaining discovery shall be completed by November 1, 2004.
4. The Plaintiffs' disclosure of expert witnesses will be stayed during the initial phase of discovery. Plaintiffs shall make expert disclosures thirty (30) days after the Court's summary judgment Order. In the event no summary judgment motions are filed after the initial phase of discovery, Plaintiffs shall make expert disclosures by July 1, 2004. Defendant's disclosure of expert witnesses shall be forty-five (45) days after Plaintiffs' disclosure.
5. All dispositive or nondispositive motions (other than those relating to the initial phase of discovery, shall be filed by December 1, 2004.)
6. This proceeding is set for trial in Courtroom No. 7 West, United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota, on March 1, 2005 at 10:00 a.m.
7. No later than 10 days prior to trial, all parties are expected to confer and enter into a stipulation as to the following:
  - a. Waiver of objections to the admissibility of exhibits on the grounds of lack of identification or foundation where the identification or foundation is not to be contested;
  - b. Waiver of objections to the admissibility of depositions proposed to be offered in evidence, if any;
  - c. Facts which are not disputed. This stipulation shall be reduced to writing in a form which can be adopted by the Court as Findings of Fact. At this conference, counsel shall provide copies of each exhibit for inspection by opposing counsel and for waiver or noting of objection.

8. No later than 5 days prior to trial, counsel shall prepare, serve and file the following:

- a. A trial brief containing a complete statement of points and authority for issues of law;
- b. A final exhibit list containing a description of all exhibits to be offered at trial. Exhibits not listed on this list may not be offered during the party's case-in-chief. Each exhibit shall be marked and the list shall identify the exhibits by their letters or numbers. The plaintiff shall identify the plaintiff's exhibits with numbers as follows:

Plaintiff's Exhibit 1

Plaintiff's Exhibit 2  
etc.

The defendant shall identify the defendant's exhibits with letters as follows:

Defendant's Exhibit A

Defendant's Exhibit B  
etc.

If there is more than one plaintiff or defendant, then the parties shall confer so as to avoid duplication of exhibit identification;

- c. A final witness list containing the names, addresses and brief summary of the testimony of each witness the party will call. A person not listed on this list may not testify during the party's case-in-chief.
- d. A list of depositions proposed to be offered in evidence, if any, and a statement of any objections to the receipt and evidence of portions of any such depositions, identifying the objecting party and the grounds (three copies). Only depositions so listed shall be offered in evidence at trial except for good cause shown.
- e. Proposed findings of fact, conclusions of law, and order for judgment.

9. Unless the parties agree otherwise by written stipulation, Fed. R. Civ. P. 26(a)(1), (a)(2), (a)(3) and (f), do not apply in this adversary proceeding.

10. No scheduling or pretrial conference shall be held in this matter unless requested in writing by counsel for any party. Any request for such conference shall state the reasons therefore, and a copy must be provided to counsel for all other parties to this proceeding.

11. This order is issued without prior consultation with counsel for any party. Accordingly, if the dates fixed herein present an undue burden on counsel or any party to this proceeding, counsel shall so inform the Court by way of a written request to alter such dates. Such written request shall state:

- a. The reasons for any extension of time;
- b. That counsel has conferred with counsel to all other parties to this proceeding regarding any proposed extension; and
- c. The outcome of such conference.

A copy of any such request must be provided to counsel for all other parties to this proceeding.

12. Counsel should understand that, except as altered by this court after proper request, dates fixed hereby are mandatory. Deadlines shall not be extended except for good cause. No motion shall be heard unless filed prior to the expiration of the deadline set. The Court reserves the right to act upon such motions without a hearing, if circumstances so mandate.

13. Failure to abide by the provisions of this Order may result in imposition of sanctions upon counsel or a party.

Dated: January 20, 2004

/e/ Nancy C. Dreher  
The Honorable Nancy C. Dreher

STATE OF MINNESOTA  
SS.  
COUNTY OF HENNEPIN

I, Kristin Neff, hereby certify: That I am a Deputy Clerk in the Office of the United States Bankruptcy Court for the Fourth Division of the District of Minnesota, at Minneapolis, Minnesota; That on **January 20, 2004**, true and correct copies of the annexed:

**ORDER ADV 03-4291**

were placed by me in individual franked official envelopes, that said envelopes were addressed individually to each of the persons, corporations, and firms at their last known addresses appearing hereinafter; that said envelopes were sealed and on the day aforesaid were placed in the United States mails at Minneapolis, Minnesota, to:

EDWARD D. GALE  
55 EAST FIFTH ST  
SUITE 800  
ST PAUL MN 55101

RICHARD G MARK  
2200 IDS CENTER  
80 SOUTH EIGHTH ST  
MINNEAPOLIS MN 55402

and this certificate was made by me.

/e/ Kristin Neff  
Kristin Neff, Deputy Clerk